

Calendar No. 112

110TH CONGRESS
1ST SESSION**S. 613****[Report No. 110–50]**

To enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2007

Mr. LUGAR (for himself, Mr. BIDEN, Mr. WARNER, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

APRIL 10, 2007

Reported by Mr. BIDEN, without amendment

A BILL

To enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reconstruction and
5 Stabilization Civilian Management Act of 2007”.

1 **SEC. 2. FINDING; PURPOSE.**

2 (a) FINDING.—Congress finds that the resources of
3 the United States Armed Forces have been burdened by
4 having to undertake stabilization and reconstruction tasks
5 in the Balkans, Afghanistan, Iraq, and other countries of
6 the world that could have been performed by civilians,
7 which has resulted in lengthy deployments for Armed
8 Forces personnel.

9 (b) PURPOSE.—The purpose of this Act is to provide
10 for the continued development, as a core mission of the
11 Department of State and the United States Agency for
12 International Development, of an effective expert civilian
13 response capability to carry out reconstruction and sta-
14 bilization activities in a country or region that is at risk
15 of, in, or is in transition from, conflict or civil strife.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the United
20 States Agency for International Development.

21 (2) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Relations of
25 the Senate; and

1 (B) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (3) DEPARTMENT.—Except as otherwise pro-
4 vided in this Act, the term “Department” means the
5 Department of State.

6 (4) EXECUTIVE AGENCY.—The term “executive
7 agency” has the meaning given that term in section
8 105 of title 5, United States Code.

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of State.

11 **SEC. 4. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the civilian element of United States joint
14 civilian-military operations should be strengthened in
15 order to enhance the execution of current and future
16 reconstruction and stabilization activities in foreign
17 countries or regions that are at risk of, in, or are
18 in transition from, conflict or civil strife;

19 (2) the capability of civilian agencies of the
20 United States Government to carry out reconstruc-
21 tion and stabilization activities in such countries or
22 regions should also be enhanced through a new rapid
23 response corps of civilian experts supported by the
24 establishment of a new system of planning, organiza-

1 tion, personnel policies, and education and training,
2 and the provision of adequate resources;

3 (3) the international community, including non-
4 governmental organizations, and the United Nations
5 and its specialized agencies, should be further en-
6 couraged to participate in planning and organizing
7 reconstruction and stabilization activities in such
8 countries or regions;

9 (4) the executive branch has taken a number of
10 steps to strengthen civilian capability, including the
11 establishment of an office headed by a Coordinator
12 for Reconstruction and Stabilization in the Depart-
13 ment, the Presidential designation of the Secretary
14 as the interagency coordinator and leader of recon-
15 struction and stabilization efforts, and Department
16 of Defense directives to the military to support the
17 Office of Reconstruction and Stabilization and to
18 work closely with counterparts in the Department of
19 State and other civilian agencies to develop and en-
20 hance personnel, training, planning, and analysis;

21 (5) the Secretary and the Administrator should
22 work with the Secretary of Defense to augment ex-
23 isting personnel exchange programs among the De-
24 partment, the United States Agency for Inter-
25 national Development, and the Department of De-

1 fense, including the regional commands and the
 2 Joint Staff, to enhance the stabilization and recon-
 3 struction skills of military and civilian personnel and
 4 their ability to undertake joint operations; and

5 (6) the heads of other executive agencies should
 6 establish personnel exchange programs that are de-
 7 signed to enhance the stabilization and reconstruc-
 8 tion skills of military and civilian personnel.

9 **SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR RECON-**
 10 **STRUCTION AND STABILIZATION CRISES.**

11 Chapter 1 of part III of the Foreign Assistance Act
 12 of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting
 13 after section 617 the following new section:

14 **“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STA-**
 15 **BILIZATION CRISIS.**

16 **“(a) ASSISTANCE.—**

17 **“(1) IN GENERAL.—**If the President determines
 18 that it is important to the national interests of the
 19 United States for United States civilian agencies or
 20 non-Federal employees to assist in stabilizing and
 21 reconstructing a country or region that is at risk of,
 22 in, or is in transition from, conflict or civil strife, the
 23 President may, in accordance with the provisions set
 24 forth in section 614(a)(3), notwithstanding any
 25 other provision of law, and on such terms and condi-

1 tions as the President may determine, furnish assist-
2 ance to respond to the crisis using funds referred to
3 in paragraph (2).

4 “(2) FUNDS.—The funds referred to in this
5 paragraph are funds as follows:

6 “(A) Funds made available under this sec-
7 tion, including funds authorized to be appro-
8 priated by subsection (d).

9 “(B) Funds made available under other
10 provisions of this Act and transferred or repro-
11 grammed for purposes of this section.

12 “(b) SPECIAL AUTHORITIES.—In furtherance of a de-
13 termination made under subsection (a), the President may
14 exercise the authorities contained in sections 552(c)(2)
15 and 610 without regard to the percentage and aggregate
16 dollar limitations contained in such sections.

17 “(c) AVAILABILITY OF FUNDS FOR RESPONSE READ-
18 INESS CORPS.—Of the funds made available for this sec-
19 tion in any fiscal year, including funds authorized to be
20 appropriated by subsection (d) and funds made available
21 under other provisions of this Act and transferred or re-
22 programmed for purposes of this section, \$25,000,000
23 may be made available for expenses related to the develop-
24 ment, training, and operations of the Response Readiness

1 Corps established under section 61(c) of the State Depart-
 2 ment Basic Authorities Act of 1956.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) AUTHORIZATION.—There is authorized to
 5 be appropriated \$75,000,000 to provide assistance
 6 authorized in subsection (a) and, to the extent au-
 7 thorized in subsection (c), for the purpose described
 8 in subsection (c). Such amount is in addition to
 9 amounts otherwise made available for purposes of
 10 this section, including funds made available under
 11 other provisions of this Act and transferred or repro-
 12 grammed for purposes of this section.

13 “(2) REPLENISHMENT.—There is authorized to
 14 be appropriated each fiscal year such sums as may
 15 be necessary to replenish funds expended under this
 16 section.

17 “(3) AVAILABILITY.—Funds authorized to be
 18 appropriated under this subsection shall be available
 19 without fiscal year limitation.”.

20 **SEC. 6. OFFICE OF THE COORDINATOR FOR RECONSTRUC-**
 21 **TION AND STABILIZATION.**

22 Title I of the State Department Basic Authorities Act
 23 of 1956 (22 U.S.C. 2651 et seq.) is amended by adding
 24 at the end the following new section:

1 **“SEC. 61. RECONSTRUCTION AND STABILIZATION.**

2 “(a) OFFICE OF THE COORDINATOR FOR RECON-
3 STRUCTION AND STABILIZATION.—

4 “(1) ESTABLISHMENT.—There is established
5 within the Department of State the Office of the Co-
6 ordinator for Reconstruction and Stabilization.

7 “(2) COORDINATOR FOR RECONSTRUCTION AND
8 STABILIZATION.—The head of the Office shall be the
9 Coordinator for Reconstruction and Stabilization,
10 who shall be appointed by the President, by and
11 with the advice and consent of the Senate. The Co-
12 ordinator shall report directly to the Secretary and
13 shall have the rank and status of Ambassador at
14 Large.

15 “(3) FUNCTIONS.—The functions of the Office
16 of the Coordinator for Reconstruction and Stabiliza-
17 tion include the following:

18 “(A) Monitoring, in coordination with rel-
19 evant bureaus within the Department of State,
20 political and economic instability worldwide to
21 anticipate the need for mobilizing United States
22 and international assistance for the stabilization
23 and reconstruction of countries or regions that
24 are at risk of, in, or are in transition from, con-
25 flict or civil strife.

1 “(B) Assessing the various types of sta-
2 bilization and reconstruction crises that could
3 occur and cataloging and monitoring the non-
4 military resources and capabilities of Executive
5 agencies that are available to address such cri-
6 ses.

7 “(C) Planning to address requirements,
8 such as demobilization, policing, human rights
9 monitoring, and public information, that com-
10 monly arise in stabilization and reconstruction
11 crises.

12 “(D) Coordinating with relevant Executive
13 agencies (as that term is defined in section 105
14 of title 5, United States Code) to develop inter-
15 agency contingency plans to mobilize and deploy
16 civilian personnel to address the various types
17 of such crises.

18 “(E) Entering into appropriate arrange-
19 ments with other Executive agencies to carry
20 out activities under this section and the Recon-
21 struction and Stabilization Civilian Manage-
22 ment Act of 2007.

23 “(F) Identifying personnel in State and
24 local governments and in the private sector who
25 are available to participate in the Response

1 Readiness Corps established under subsection
2 (c) or to otherwise participate in or contribute
3 to stabilization and reconstruction activities.

4 “(G) Taking steps to ensure that training
5 of civilian personnel to perform such stabiliza-
6 tion and reconstruction activities is adequate
7 and, as appropriate, includes security training
8 that involves exercises and simulations with the
9 Armed Forces, including the regional com-
10 mands.

11 “(H) Sharing information and coordi-
12 nating plans for stabilization and reconstruction
13 activities, as appropriate, with the United Na-
14 tions and its specialized agencies, the North At-
15 lantic Treaty Organization, nongovernmental
16 organizations, and other foreign national and
17 international organizations.

18 “(I) Coordinating plans and procedures for
19 joint civilian-military operations with respect to
20 stabilization and reconstruction activities.

21 “(J) Maintaining the capacity to field on
22 short notice an evaluation team to undertake
23 on-site needs assessment.

24 “(b) RESPONSE TO STABILIZATION AND RECON-
25 STRUCTION CRISIS.—If the President makes a determina-

1 tion regarding a stabilization and reconstruction crisis
 2 under section 618 of the Foreign Assistance Act of 1961,
 3 the President may designate the Coordinator, or such
 4 other individual as the President may determine appro-
 5 priate, as the Coordinator of the United States response.
 6 The individual so designated, or, in the event the Presi-
 7 dent does not make such a designation, the Coordinator
 8 for Reconstruction and Stabilization, shall—

9 “(1) assess the immediate and long-term need
 10 for resources and civilian personnel;

11 “(2) identify and mobilize non-military re-
 12 sources to respond to the crisis; and

13 “(3) coordinate the activities of the other indi-
 14 viduals or management team, if any, designated by
 15 the President to manage the United States re-
 16 sponse.”.

17 **SEC. 7. RESPONSE READINESS CORPS.**

18 (a) IN GENERAL.—Section 61 of the State Depart-
 19 ment Basic Authorities Act of 1956 (as added by section
 20 6) is amended by adding at the end the following new sub-
 21 section:

22 “(c) RESPONSE READINESS CORPS.—

23 “(1) IN GENERAL.—The Secretary, in consulta-
 24 tion with the Administrator of the United States
 25 Agency for International Development and the heads

1 of other appropriate departments and agencies of
2 the United States Government, is authorized to es-
3 tablish and maintain a Response Readiness Corps
4 (hereafter referred to in this subsection as the
5 ‘Corps’) to provide assistance in support of stabiliza-
6 tion and reconstruction activities in foreign countries
7 or regions that are at risk of, in, or are in transition
8 from, conflict or civil strife.

9 “(2) FEDERAL COMPONENTS.—

10 “(A) ACTIVE AND STANDBY COMPO-
11 NENTS.—The Corps shall have active and
12 standby components consisting of United States
13 Government personnel as follows:

14 “(i) An active component, consisting
15 of not more than 250 personnel who are
16 recruited, employed, and trained in accord-
17 ance with this paragraph.

18 “(ii) A standby component, consisting
19 of not more than 2000 personnel who are
20 recruited and trained in accordance with
21 this paragraph.

22 “(B) AUTHORIZED MEMBERS OF STANDBY
23 COMPONENT.—Personnel in the standby compo-
24 nent of the Corps may include employees of the
25 Department of State (including Foreign Service

Nationals), employees of the United States Agency for International Development, employees of any other executive agency (as that term is defined in section 105 of title 5, United States Code), and employees of the legislative branch and judicial branch of Government—

“(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

“(ii) who—

“(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

“(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

“(C) RECRUITMENT AND EMPLOYMENT.—

The recruitment and employment of personnel to the Corps shall be carried out by the Secretary, the Administrator of the United States

1 Agency for International Development, and the
2 heads of the other departments and agencies of
3 the United States Government participating in
4 the establishment and maintenance of the
5 Corps.

6 “(D) TRAINING.—The Secretary is author-
7 ized to train the members of the Corps under
8 this paragraph to perform services necessary to
9 carry out the purpose of the Corps under para-
10 graph (1).

11 “(E) COMPENSATION.—Members of the
12 active component of the Corps under subpara-
13 graph (A)(i) shall be compensated in accord-
14 ance with the appropriate salary class for the
15 Foreign Service, as set forth in sections 402
16 and 403 of the Foreign Service Act of 1980 (22
17 U.S.C. 3962, 3963), or in accordance with the
18 relevant authority under sections 3101 and
19 3392 of title 5, United States Code.

20 “(3) CIVILIAN RESERVE.—

21 “(A) CIVILIAN RESERVE.—The Corps shall
22 have a reserve (hereafter referred to in this
23 subsection as the ‘Civilian Reserve’) of non-
24 United States Government personnel who are
25 trained and available as needed to perform serv-

1 ices necessary to carry out the purpose of the
2 Corps under paragraph (1). The Civilian Re-
3 serve shall be established by the Secretary, in
4 consultation with the Administrator of the
5 Unites States Agency for International Develop-
6 ment and the heads of other appropriate de-
7 partments and agencies of the United States
8 Government.

9 “(B) COMPOSITION.—Beginning not later
10 than one year after the date of the enactment
11 of the Reconstruction and Stabilization Civilian
12 Management Act of 2007, the Civilian Reserve
13 shall include at least 500 personnel, who may
14 include retired employees of the United States
15 Government, contractor personnel, nongovern-
16 mental organization personnel, State and local
17 government employees, and individuals from the
18 private sector, who—

19 “(i) have the training and skills nec-
20 essary to enable them to contribute to sta-
21 bilization and reconstruction activities;

22 “(ii) have volunteered to carry out
23 stabilization and reconstruction activities;
24 and

1 “(iii) are available for training and
2 deployment to carry out the purpose of the
3 Corps under paragraph (1).

4 “(4) USE OF RESPONSE READINESS CORPS.—

5 “(A) FEDERAL ACTIVE COMPONENT.—
6 Members of the active component of the Corps
7 under paragraph (2)(A)(i) are authorized to be
8 available—

9 “(i) for activities in direct support of
10 stabilization and reconstruction activities;
11 and

12 “(ii) if not engaged in activities de-
13 scribed in clause (i), for assignment in the
14 United States, United States diplomatic
15 missions, and United States Agency for
16 International Development missions.

17 “(B) FEDERAL STANDBY COMPONENT AND
18 CIVILIAN RESERVE.—The Secretary may deploy
19 members of the Federal standby component of
20 the Corps under paragraph (2)(A)(ii), and
21 members of the Civilian Reserve under para-
22 graph (3), in support of stabilization and recon-
23 struction activities in a foreign country or re-
24 gion if the President makes a determination re-
25 garding a stabilization and reconstruction crisis

1 under section 618 of the Foreign Assistance
2 Act of 1961.”.

3 (b) EMPLOYMENT AUTHORITY.—The full-time per-
4 sonnel in the active component of the Response Readiness
5 Corps under section 61(c)(2)(A)(i) of the State Depart-
6 ment Basic Authorities Act of 1956 (as added by sub-
7 section (a)) are in addition to any other full-time per-
8 sonnel of the Department or the United States Agency for
9 International Development authorized to be employed
10 under any other provision of law.

11 (c) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the appropriate congressional committees a report on
14 the status of efforts to establish the Response Readiness
15 Corps under this section. The report should include rec-
16 ommendations for any legislation necessary to implement
17 section 61(c) of the State Department Basic Authorities
18 Act of 1956 (as so added).

19 **SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING**
20 **AND EDUCATION.**

21 Section 701 of the Foreign Service Act of 1980 (22
22 U.S.C. 4021) is amended—

23 (1) by redesignating subsection (g) as sub-
24 section (h); and

1 (2) by inserting after subsection (f) the fol-
 2 lowing new subsection:

3 “(g) STABILIZATION AND RECONSTRUCTION CUR-
 4 RICULUM.—

5 “(1) ESTABLISHMENT AND MISSION.—The Sec-
 6 retary, in cooperation with the Secretary of Defense
 7 and the Secretary of the Army, is authorized to es-
 8 tablish a stabilization and reconstruction curriculum
 9 for use in programs of the Foreign Service Institute,
 10 the National Defense University, and the United
 11 States Army War College.

12 “(2) CURRICULUM CONTENT.—The curriculum
 13 should include the following:

14 “(A) An overview of the global security en-
 15 vironment, including an assessment of
 16 transnational threats and an analysis of United
 17 States policy options to address such threats.

18 “(B) A review of lessons learned from pre-
 19 vious United States and international experi-
 20 ences in stabilization and reconstruction activi-
 21 ties.

22 “(C) An overview of the relevant respon-
 23 sibilities, capabilities, and limitations of various
 24 Executive agencies (as that term is defined in

1 section 105 of title 5, United States Code) and
 2 the interactions among them.

3 “(D) A discussion of the international re-
 4 sources available to address stabilization and
 5 reconstruction requirements, including re-
 6 sources of the United Nations and its special-
 7 ized agencies, nongovernmental organizations,
 8 private and voluntary organizations, and foreign
 9 governments, together with an examination of
 10 the successes and failures experienced by the
 11 United States in working with such entities.

12 “(E) A study of the United States inter-
 13 agency system.

14 “(F) Foreign language training.

15 “(G) Training and simulation exercises for
 16 joint civilian-military emergency response oper-
 17 ations.”.

18 **SEC. 9. SERVICE RELATED TO STABILIZATION AND RECON-**
 19 **STRUCTION.**

20 (a) PROMOTION PURPOSES.—Service in stabilization
 21 and reconstruction operations overseas, membership in the
 22 Response Readiness Corps under section 61(c) of the
 23 State Department Basic Authorities Act of 1956 (as
 24 added by section 7), and education and training in the
 25 stabilization and reconstruction curriculum established

1 under section 701(g) of the Foreign Service Act of 1980
2 (as added by section 8) should be considered among the
3 favorable factors for the promotion of employees of Execu-
4 tive agencies.

5 (b) PERSONNEL TRAINING AND PROMOTION.—The
6 Secretary and the Administrator should take steps to en-
7 sure that, not later than 3 years after the date of the en-
8 actment of this Act, at least 10 percent of the employees
9 of the Department and the United States Agency for
10 International Development in the United States are mem-
11 bers of the Response Readiness Corps or are trained in
12 the activities of, or identified for potential deployment in
13 support of, the Response Readiness Corps. The Secretary
14 should provide such training as needed to Ambassadors
15 and Deputy Chiefs of Mission.

16 (c) OTHER INCENTIVES AND BENEFITS.—The Sec-
17 retary and the Administrator may establish and admin-
18 ister a system of awards and other incentives and benefits
19 to confer appropriate recognition on and reward any indi-
20 vidual who is assigned, detailed, or deployed to carry out
21 stabilization or reconstruction activities in accordance with
22 this Act.

23 **SEC. 10. AUTHORITIES RELATED TO PERSONNEL.**

24 (a) CONTRACTING AUTHORITY.—

1 (1) IN GENERAL.—The Secretary, or the Ad-
2 ministrators with the concurrence of the Secretary,
3 may enter into contracts to procure the services of
4 nationals of the United States (as defined in section
5 101(a)(22) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(22)) or aliens authorized to be
7 employed in the United States as personal services
8 contractors for the purpose of carrying out this Act,
9 without regard to Civil Service or classification laws,
10 for service in the Office of the Coordinator for Re-
11 construction and Stabilization or for service in for-
12 eign countries to assist in stabilizing and recon-
13 structing a country or region that is at risk of, in,
14 or is in transition from, conflict or civil strife.

15 (2) NOT EMPLOYEES.—Individuals performing
16 services under contracts described in paragraph (1)
17 shall not by virtue of performing such services be
18 considered to be employees of the United States
19 Government for purposes of any law administered by
20 the Office of Personnel Management (except that
21 the Secretary or Administrator may determine the
22 applicability to such individuals of any law adminis-
23 tered by the Secretary or Administrator concerning
24 the performance of such services by such individ-
25 uals).

1 (b) EXPERTS AND CONSULTANTS.—The Secretary
2 and the Administrator may, to the extent necessary to ob-
3 tain services without delay, employ experts and consult-
4 ants under section 3109 of title 5, United States Code,
5 for the purpose of carrying out this Act, without requiring
6 compliance with any otherwise applicable requirements for
7 that employment as the Secretary or Administrator may
8 determine, except that such employment shall be termi-
9 nated after 60 days if by that time the applicable require-
10 ments are not complied with.

11 (c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—
12 The Secretary is authorized to accept details or assign-
13 ments of employees of Executive agencies, members of the
14 uniformed services, and employees of State or local gov-
15 ernments on a reimbursable or nonreimbursable basis for
16 the purpose of carrying out this Act. The assignment of
17 an employee of a State or local government under this sub-
18 section shall be consistent with subchapter VI of chapter
19 33 of title 5, United States Code.

20 (d) DUAL COMPENSATION WAIVER.—

21 (1) ANNUITANTS UNDER CIVIL SERVICE RE-
22 TIREMENT SYSTEM OR FEDERAL EMPLOYEES RE-
23 TIREMENT SYSTEM.—Notwithstanding sections
24 8344(i) and 8468(f) of title 5, United States Code,
25 the Secretary or the head of another executive agen-

1 cy, as authorized by the Secretary, may waive the
2 application of subsections (a) through (h) of such
3 section 8344 and subsections (a) through (e) of such
4 section 8468 with respect to annuitants under the
5 Civil Service Retirement System or the Federal Em-
6 ployees Retirement System who are assigned, de-
7 tailed, or deployed to assist in stabilizing and recon-
8 structing a country or region that is at risk of, in,
9 or is in transition from, conflict or civil strife during
10 the period of their reemployment.

11 (2) ANNUITANTS UNDER FOREIGN SERVICE RE-
12 TIREMENT AND DISABILITY SYSTEM OR FOREIGN
13 SERVICE PENSION SYSTEM.—The Secretary may
14 waive the application of subsections (a) through (d)
15 of section 824 of the Foreign Service Act (22 U.S.C.
16 4064) for annuitants under the Foreign Service Re-
17 tirement and Disability System or the Foreign Serv-
18 ice Pension System who are reemployed on a tem-
19 porary basis in order to be assigned, detailed, or de-
20 ployed to assist in stabilization and reconstruction
21 activities under this Act.

22 (e) INCREASE IN PREMIUM PAY CAP.—The Sec-
23 retary, or the head of another executive agency as author-
24 ized by the Secretary, may compensate an employee de-
25 tailed, assigned, or deployed to assist in stabilizing and

1 reconstructing a country or region that is at risk of, in,
2 or is in transition from, conflict or civil strife, without re-
3 gard to the limitations on premium pay set forth in section
4 5547 of title 5, United States Code, to the extent that
5 the aggregate of the basic pay and premium pay of such
6 employee for a year does not exceed the annual rate pay-
7 able for level II of the Executive Schedule.

8 (f) EXTENSION OF CERTAIN FOREIGN SERVICE BEN-
9 EFITS.—The Secretary, or the head of another executive
10 agency as authorized by the Secretary, may extend to any
11 individuals assigned, detailed, or deployed to carry out sta-
12 bilization and reconstruction activities in accordance with
13 this Act, the benefits or privileges set forth in sections
14 412, 413, 704, and 901 of the Foreign Service Act of 1980
15 (22 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and
16 22 U.S.C. 4081) to the same extent and manner that such
17 benefits and privileges are extended to members of the
18 Foreign Service.

19 (g) COMPENSATORY TIME.—Notwithstanding any
20 other provision of law, the Secretary may, subject to the
21 consent of an individual who is assigned, detailed, or de-
22 ployed to carry out stabilization and reconstruction activi-
23 ties in accordance with this Act, grant such individual
24 compensatory time off for an equal amount of time spent
25 in regularly or irregularly scheduled overtime work. Credit

1 for compensatory time off earned shall not form the basis
2 for any additional compensation. Any such compensatory
3 time not used within 26 pay periods shall be forfeited.

4 (h) ACCEPTANCE OF VOLUNTEER SERVICES.—

5 (1) IN GENERAL.—The Secretary may accept
6 volunteer services for the purpose of carrying out
7 this Act without regard to section 1342 of title 31,
8 United States Code.

9 (2) TYPES OF VOLUNTEERS.—Donors of vol-
10 untary services accepted for purposes of this section
11 may include—

12 (A) advisors;

13 (B) experts;

14 (C) consultants; and

15 (D) persons performing services in any
16 other capacity determined appropriate by the
17 Secretary.

18 (3) SUPERVISION.—The Secretary shall—

19 (A) ensure that each person performing
20 voluntary services accepted under this section is
21 notified of the scope of the voluntary services
22 accepted;

23 (B) supervise the volunteer to the same ex-
24 tent as employees receiving compensation for
25 similar services; and

1 (C) ensure that the volunteer has appro-
 2 priate credentials or is otherwise qualified to
 3 perform in each capacity for which the volun-
 4 teer's services are accepted.

5 (4) APPLICABILITY OF LAW RELATING TO FED-
 6 ERAL GOVERNMENT EMPLOYEES.—A person pro-
 7 viding volunteer services accepted under this section
 8 shall not be considered an employee of the Federal
 9 Government in the performance of those services, ex-
 10 cept for the purposes of the following provisions of
 11 law:

12 (A) Chapter 81 of title 5, United States
 13 Code, relating to compensation for work-related
 14 injuries.

15 (B) Chapter 11 of title 18, United States
 16 Code, relating to conflicts of interest.

17 (5) APPLICABILITY OF LAW RELATING TO VOL-
 18 UNTEER LIABILITY PROTECTION.—

19 (A) IN GENERAL.—A person providing vol-
 20 unteer services accepted under this section shall
 21 be deemed to be a volunteer of a nonprofit or-
 22 ganization or governmental entity, with respect
 23 to the accepted services, for purposes of the
 24 Volunteer Protection Act of 1997 (42 U.S.C.
 25 14501 et seq.).

1 (B) INAPPLICABILITY OF EXCEPTIONS TO
 2 VOLUNTEER LIABILITY PROTECTION.—Section
 3 4(d) of such Act (42 U.S.C. 14503(d)) does not
 4 apply with respect to the liability of a person
 5 with respect to services of such person that are
 6 accepted under this section.

7 (i) AUTHORITY FOR OUTSIDE ADVISORS.—

8 (1) IN GENERAL.—The Secretary may establish
 9 temporary advisory commissions composed of indi-
 10 viduals with appropriate expertise to facilitate the
 11 carrying out of this Act.

12 (2) INAPPLICABILITY OF FACA.—The require-
 13 ments of the Federal Advisory Committee Act (5
 14 U.S.C. App.) shall not apply to the activities of a
 15 commission established under this subsection.

16 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated for each fiscal
 18 year, \$80,000,000 for personnel, education and training,
 19 equipment, and travel costs for purposes of carrying out
 20 this Act and the amendments made by this Act (other
 21 than the amendment made by section 5).

Calendar No. 112

110TH CONGRESS
1ST Session

S. 613

[Report No. 110-50]

A BILL

To enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

APRIL 10, 2007

Reported without amendment